

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY WILKER,

Defendant.

No. 11-CR-00109-LRR

ORDER

I. INTRODUCTION AND BACKGROUND

The matter before the court is Magistrate Judge Jon S. Scoles's Report and Recommendation (docket no. 83), which recommends that the court grant the government's Writ of Continuing Garnishment (docket no. 69). On September 11, 2012, Judge Scoles held a hearing. During the hearing, Defendant represented himself and participated by telephone. The government was represented by Special Assistant United States Attorney Jacob Schunk.

II. ANALYSIS

Pursuant to statute, this court's standard of review for a magistrate judge's report and recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's report and recommendation on dispositive motions and prisoner petitions, where objections are made, as follows:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected

to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b).

Here, the time to object to the Report and Recommendation has expired. Defendant has not filed any objections to the Report and Recommendation. Thus, Defendant has waived his right to de novo review of the Report and Recommendation. *See, e.g., United States v. Rodriguez*, 484 F.3d 1006, 1010-11 (8th Cir. 2007) (“[the defendant’s] ‘failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate judge as well as his right to appeal from the findings of fact therein.’” (quoting *United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001))); *see also* 28 U.S.C. § 636(b)(1). Further, the court finds no plain error in Judge Scoles’s decision. Accordingly, the court **ADOPTS** the Report and Recommendation (docket no. 83). The Defendant’s objections to garnishment are **OVERRULED** and the government’s Writ of Continuing Garnishment (docket no. 69) is **GRANTED**.

IT IS SO ORDERED.

DATED this 21st day of August, 2013.


LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA